

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, MARCH 8 19 83

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING March 8 A.D., 19 83,

IN Regular SESSION. PRESIDENT Ben A. Eisbart
Council Attorney, John H. Logan
IN THE CHAIR, AND Charles W. Westerman CLERK, AT THE DESK,

PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY ✓, BURNS ✓, EISBART ✓,
GiaQUINTA ✓, SCHMIDT ✓, SCHOMBURG ✓,
SCRUGGS ✓, STIER ✓, TALARICO ✓,

ABSENT _____

COUNCILMAN _____,
_____,
_____,

THE INVOCATION WAS GIVEN BY _____

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF
_____, 19 _____. MOTION MADE AND CARRIED THAT REPORT BE MADE
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR February 22 83, 19 ____,
_____, 19 ____,
SPECIAL _____, 19 ____,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 8th day of March, 1983 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19 _____.

Charles W. Westerman
City Clerk



The City of Fort Wayne

Office of the Mayor

February 9, 1983

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Today, February 9, 1983, I have approved the following ordinances passed by the Common Council at its regular meeting of February 8, 1983.

(Bill No., S-83-01-21)
SPECIAL ORDINANCE NO. S-33-83

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS CITY OF FORT WAYNE, INDIANA ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1983 (MULLINEX PACKAGES, INC. PROJECT) AND APROVING OTHER ACTIONS IN RESPECT THERETO

(Bill No., S-83-01-22)
SPECIAL ORDINANCE NO. S-34-83

AN ORDINANCE approving City Utilities Purchase Order #A-24219 with Underground Pipe & Valve for the Department of Water Maintenance & Service

(Bill No., S-83-01-27)
SPECIAL ORDINANCE NO. S-35-83

AN ORDINANCE approving the awarding of bids with respect to the purchase of vehicles for the Police and Fire Departments of the City of Fort Wayne, Indiana

(Bill No., R-82-10-09)
DECLARATORY RESOLUTION NO. R-03-83

A DECLARATORY RESOLUTION designating an "Urban Development Area" under I.C. 6-1.1-12.1, said Area more commonly known as 3602 Northrup Avenue

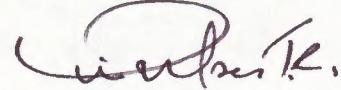
(Bill No. G-83-01-26)
GENERAL ORDINANCE NO. G-04-83

AN ORDINANCE amending General Ordinance G-14-81 dealing with animals

(Bill No. R-83-01-23)
RESOLUTION NO. R-04-83

AN AFFIRMATIVE MARKETING RESOLUTION of the Common Council of the City of
Fort Wayne, Indiana, with respect to Fair and Open Housing Efforts

Respectfully yours,



Win Moses, Jr.
Mayor



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

1 March 1983

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-83-02-14

Respectfully submitted,

CITY PLAN COMMISSION

Stephen A. Bailey
Secretary

Certified and signed this
1st day of March, 1983.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

1 March 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held February 28, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-02-14
2. From RA & B-1-A to B-1-B & B-3-B
3. Intended Use: Church's Chicken Restaurant & Martial Arts School
4. Plan Commission Recommendation: DO NOT PASS

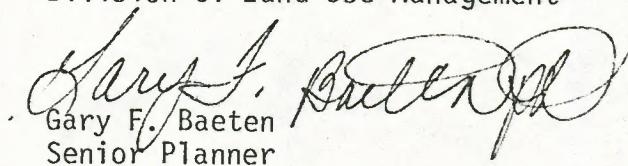
This ordinance received a DO NOT PASS recommendation for the following reason:

REASON: The use or value of the surrounding property will be adversely affected by this zoning change by establishing a precedent of commercial zoning in a predominantly residential area.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Land Use Management


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RECOMMENDATION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 8, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-02-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 14, 1983;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Facts".

(1) the grant will be injurious to the public health, safety, morals, and welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the conditions is not due to the general conditions of the neighborhood;

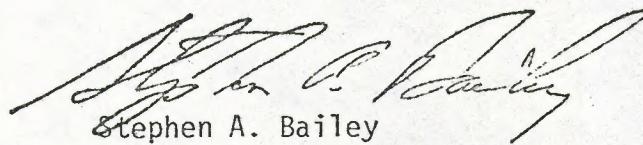
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

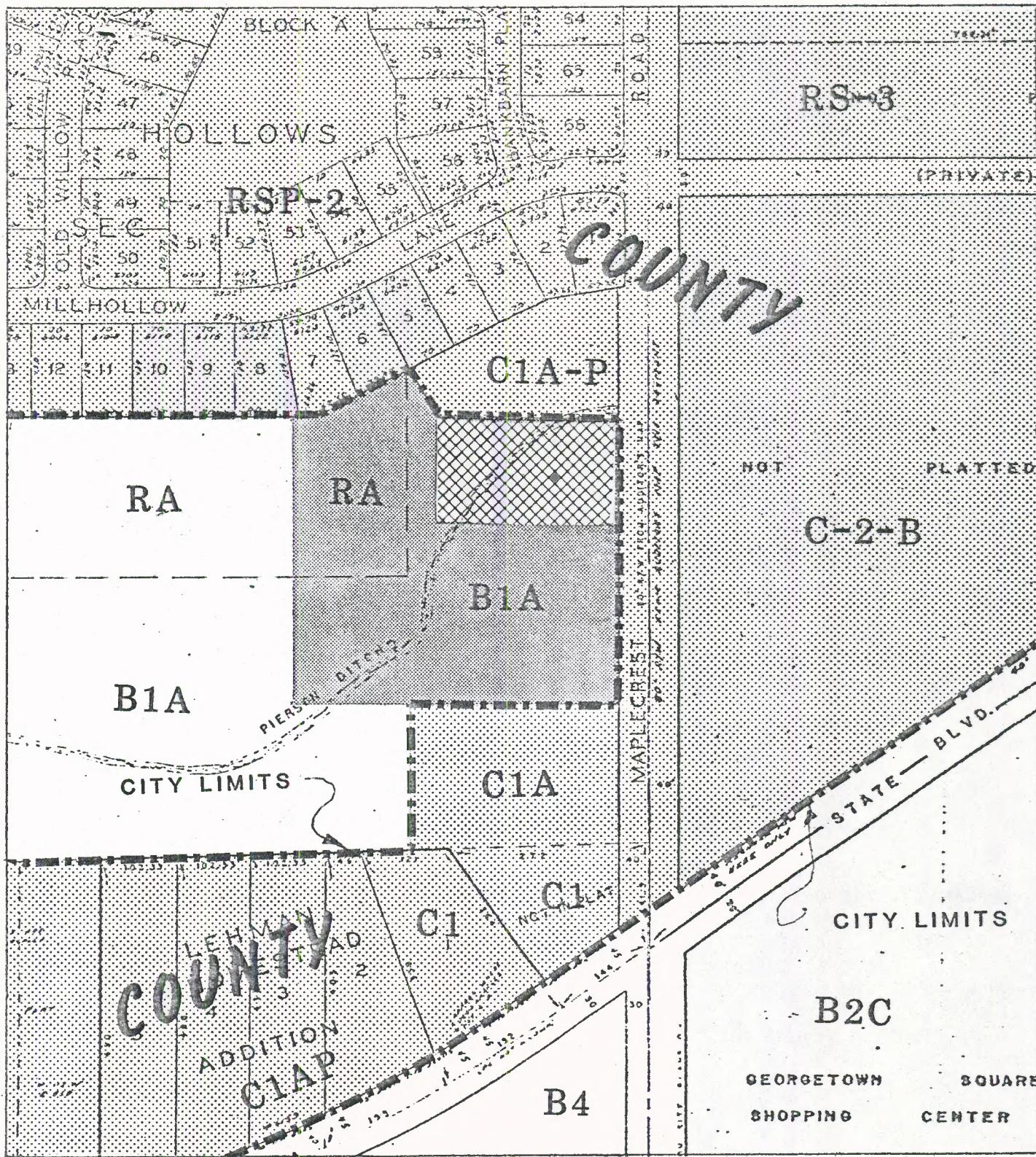
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 28, 1983.

Certified and signed this
1st day of March, 1983.



Stephen A. Bailey
Secretary



REQUEST TO CHANGE FROM
RA & B1A TO B1B ZONING

REQUEST TO CHANGE FROM
B1A TO B3B ZONING



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

1 March 1983

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-83-02-12

Respectfully submitted,

CITY PLAN COMMISSION

Stephen A. Bailey
Secretary

Certified and signed this
1st day of March 1983.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

1 March 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held February 28, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-83-02-12
2. From R-3 to B-3-B
3. Intended Use: Not Given
4. Plan Commission Recommendation: DO NOT PASS

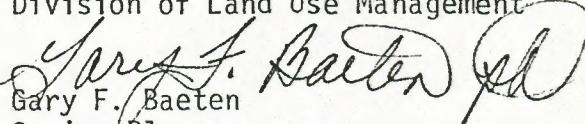
This ordinance received a DO NOT PASS recommendation for the following reasons:

REASONS: a. The use or value of the area adjacent to the property included in the rezoning will be adversely affected.
b. The strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Land Use Management


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 8, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-02-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 14, 1983;

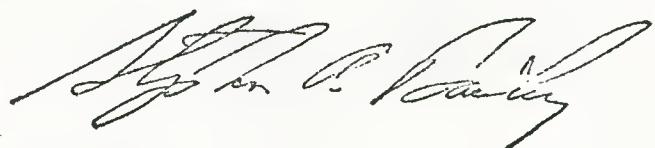
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findind of Facts".

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes sustanially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

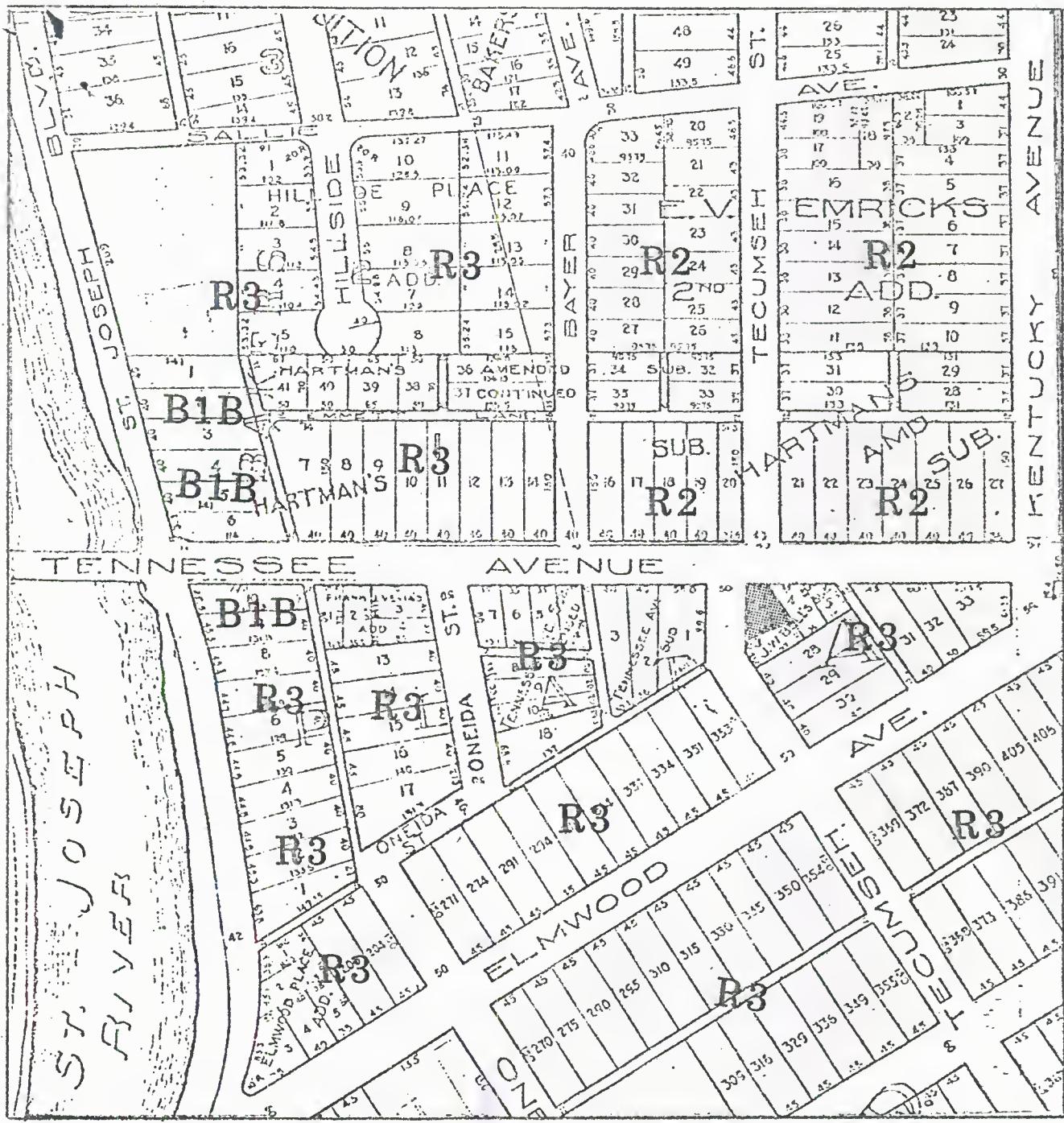
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 28, 1983.

Certified and signed this
1st day of March, 1983.



Stephen A. Bailey
Secretary



REQUEST TO CHANGE FROM R-3
TO B3B ZONING

Map No N-10

Z-83-02-12

N

1



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

1 March 1983

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-83-02-11

Respectfully submitted,

CITY PLAN COMMISSION

Stephen A. Bailey
Secretary

Certified and signed this
1st day of March 1983.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

1 March 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held February 28, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-83-02-11
2. From R-1 & R-3 to a P.O.D.
3. Intended Use: Professional Office District
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation with the following conditions:

CONDITIONS:

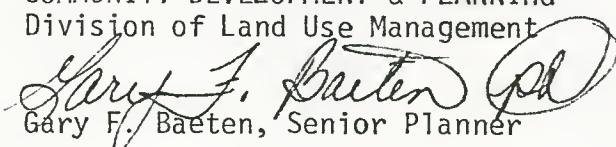
- a. The final plans will include installation of this frontage on Reed Road. The sidewalk is to be installed concurrent with the construction of the Reed Road access into the property.
- b. There must be a retention pond maintenance agreement submitted to, and approved, by the Board of Public Works prior to issuance of permits for construction.

NOTE: The City Plan Commission will have to give final approval of these conditions as part of the Development Plan.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Land Use Management


Gary F. Baeten, Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 8, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-02-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 14, 1983;

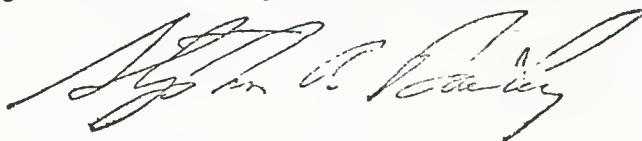
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

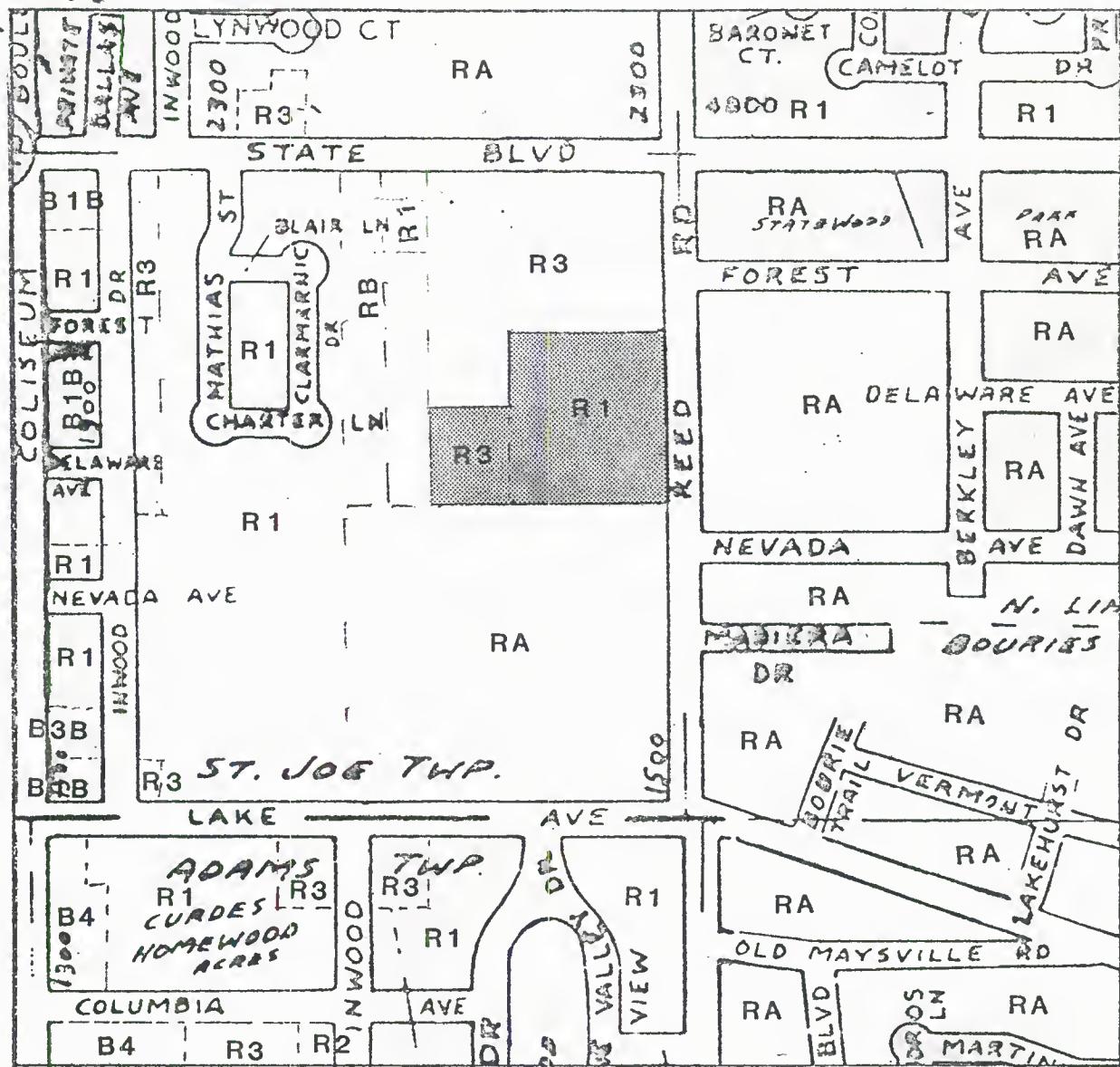
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 28, 1983.

Certified and signed this
1st day of March, 1983.



Stephen A. Bailey
Secretary



REQUEST TO ESTABLISH A PROFESSIONAL OFFICE DISTRICT

Map S-14

N

Z-83-02-11

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolutions Numbered: 20/83/E
21/83/E
22/83/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,


Nick Palermo, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 20/83/E
21/83/E)
22/83 E

I hereby certify that I did this 25th day of
February, 1983 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 20/83/E
21/83 E of the Board of Public
22/83/E
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 20/83/E

(Adopted February 25, 19 83)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to TRAFFIC SIGNAL (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 25, 19 83, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

February 25, 19 83, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

TRAFFIC SIGNAL (EMERGENCY)

South Anthony Boulevard and Southtown Mall Entrance

REGULATORY RESOLUTION NO. 21/83/E

(Adopted February 25, 1983)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 2/83/E: INTERSECTION CONTROL (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 25, 1983, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

February 25, 1983, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

INTERSECTION CONTROL (EMERGENCY)

Sandhill Drive -- stop -- for Kyle Road

REGULATORY RESOLUTION NO. 22/83/E
(Adopted February 25, 1983)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 4/83/E: SPEED

LIMIT 40 MPH (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 25, 1983, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

February 25, 1983, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 40 MPH (EMERGENCY)

Hessen Cassel Road -- from -- Paulding Road to Tillman Road

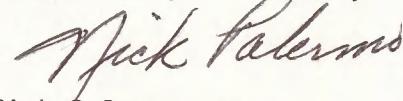
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board
of Public Safety Regulatory Resolution Number: 23/83/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,

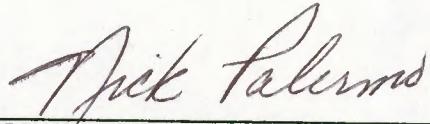


Nick Palermo, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 23/83/D)

I hereby certify that I did this 4th day of
March, 1983 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 23/83/D of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 23/83/D

(Adopted March 4, 1983)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to NO THRU ON RED (DELEGATED)

; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 3, 1983, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective

March 4, 1983, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO THRU ON RED (DELEGATED)

Main Street -- eastbound -- at Osage Street

REGARDING BILL NO. A-83-02-27

AN ORDINANCE appropriating funds from the
Revenue Sharing Trust Fund to various
accounts within the 1983 budget of the
Revenue Sharing

The above ordinance Bill No. A-83-02-27 was held at the request of the Finance Chairman Mark E. GiaQuinta. This bill will be discussed at the Common Council Committee Session - Tuesday, March 15, 1983, at 7:00 P.M., Room 128, City-County Building.

Date: 3-8-83

Charles W. Westerman
City Clerk

REGARDING BILL NO. A-83-02-22

AN ORDINANCE appropriating funds from the
Cable TV Fund to certain accounts within the
1983 budget of the Cable TV Fund 1983

The above ordinance Bill No. A-83-02-22 was held at the request of the Finance Chairman Mark E. GiaQuinta. This bill will be discussed at the Common Council Committee Session, Tuesday, March 15, 1983, at 7:00 P.M., Room 128, City-County Building.

Date: 3-8-83

Charles W. Westerman
City Clerk